



COMMONWEALTH of VIRGINIA

CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT

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June 12, 1998

Mr. Tim Wilson
Director of Planning
Middlesex County
Post Office Box 428
Saluda, Virginia 23149

Dear Tim:

I am writing this letter in reference to our telephone conversation of June 5, 1998, initiated in response to the Department's receipt of a complaint from a Middlesex County resident regarding the removal of trees from a Resource Protection Area (R.P.A.) buffer. It was my understanding from our conversation that the County permits removal of trees under 12" in diameter, based upon Section 4A-4 (4) of the County's Chesapeake Bay Preservation Act ordinance. The Section reads as follows:

"Indigenous vegetation shall be preserved to the maximum extent possible consistent with the use and development allowed. Existing trees over twelve (12" inches in diameter at breast height should be preserved except if located in a proposed impervious area. "

The Department does not believe that as a matter of local practice, this Section should be interpreted as permitting the removal of trees less than twelve inches in the R.P.A. buffer. This language is found in Section 4A-4, Performance Standards for All Development and redevelopment, and therefore refers solely to development located outside of the County's R.P.A.

Section 4A-3(4)E, R.P.A. Buffer Requirements, specifies the conditions permitting removal of trees in the buffer:

2) "Trees may be pruned or removed only as is necessary to provide for sight lines, vistas and paths. "

3) " Dead, diseased, or dying trees or shrubs may be removed at the discretion of the landowner and silvicultural thinning may be conducted based upon the recommendation of a professional forester or arborist. "

5) " For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline, in accordance with the best available technical advice subject to the issuance of all required permits. "

In addition, Section 4A-3 (4) F permits modifications to the buffer when application would result in the loss of a buildable area on a lot or parcel legally created prior to October 1, 1989.

I hope this information clarifies CBLAD's position on these issues. If you have any questions regarding this letter, please call me at (804) 371-0608.

Sincerely,

Margaret H. Reynolds
Middle Peninsula Liaison

c: Scott Kudlas, Chief of Planning Assistance
Shawn Smith, Implementation Review Officer